

Message Text

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TO AMEMBASSY LAGOS IMMEDIATE

C O N F I D E N T I A L STATE 142398

E.O. 11652: GDS

TAGS: AFSP, PFON, NI

SUBJECT: EMBASSY ANNEX PROBLEM

REF: LAGOS 5582

1. ALTHOUGH ARTICLES 21 AND 22 OF THE VIENNA CONVENTION PROVIDE THE LEGAL BASIS FOR INSISTING ON REMAINING IN THE ANNEX, DEPARTMENT AGREES THAT WE MUST BE AS RESPONSIVE AS POSSIBLE TO FMG'S REQUEST.

2. ASSUMING THAT THE ALTERNATE QUARTERS AT OKOTIE EBOH ROAD ARE SUITABLE, EMBASSY SHOULD PROCEED WITH NOTE TO MEA PROPOSED IN PARA 12 OF REFTEL. NOTE SHOULD INSIST ON DEALING WITH MEA AND NOT FMG WORKS AND HOUSING
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COMMISSIONER AND ON MEA WRITTEN REQUEST THAT EMBASSY VACATE ANNEX STATING REASONS THERFOR. IT SHOULD REFER TO THE INVIOABILITY OF DIPLOMATIC PREMISES UNDER CUSTOMARY INTERNATIONAL LAW AND THE VIENNA CONVENTION

BUT CONVEY USG WILLINGNESS TO COOPERATE. BELIEVE FMG SHOULD
BE WILLING GRANT: (A) SUFFICIENT TIME TO MAKE
MOVE IN ORDERLY FASHION. (B) GROUND FLOOR OF ANNEX BE
RETAINED FOR CONSULAR SECTION. THE ARGUMENT HERE IS THAT
ONE OF THE CONSULAR SECTION'S PRINCIPAL PURPOSES IS TO
PROVIDE SERVICES TO NIGERIANS AND THAT THE EXISTING ANNEX

IS MUCH MORE ACCESSIBLE TO NIGERIANS THAN THE PROPOSED
ALTERNATE PREMISES. (C) FMG TO GUARANTEE FULL CREDIT
FOR THE ADVANCE RENTAL PAID ON THE EXISTING ANNEX.
DEPENDING ON THE RESPECTIVE USABLE AREAS OF THE TWO
PREMISES, THIS COULD MEAN CONSIDERABLY MORE COMPENSATION
(IN CASH OR KIND) THAN PROVIDED IN THE FMG'S OFFER
OF RENT-FREE OCCUPANCY IN THE OKOTIE EBOH PROPERTY
UNTIL TERMINATION OF THE EXISTING LEASE. (D) INASMUCH
AS MOVE WOULD BE MADE FOR ITS CONVENIENCE, FMG SHOULD
COVER ALL MOVING AND INSTALLATION COSTS.

3. PLEASE PROVIDE YOUR ASSESSMENT OF ADEQUACY OF
ALTERNATE QUARTERS ASAP. KISSINGER

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